

Powers of the proposed convention, in the exercise of sovereignty, which limitations are not to be found in the deed of cession, by Virginia of the North Western Territory to the United States, is in direct violation of the guaranteed rights of the citizens of the state of Indiana, and can have no binding effect whatever upon them.

Your committee are further of opinion, that the powers of the Convention were not, nor could be derived from the act of Congress; but from the deed of cession, and when constituted a Convention of the citizens of Indiana, as a similar Convention would stand, called for similar purposes in any of the old states, in relation to the citizens of that state. The Convention was not vested with any power, by the people, to barter away any of the rights and privileges of self government, protection and happiness; but to establish certain fundamental rules, by which these rights and privileges should in future be exercised and regulated, for the benefit and well being of the great body of the good people they in Convention represented. Then, so far as the Convention acted, being restrained by the power of Congress, so far the acts of the Convention are not binding on Indiana. Indiana derives her rights from the deed of cession—the language of which is imperative. It says that when any of the new states, formed of any of the divisions of the Northwestern Territory, are admitted into the Union, they shall have the same right of sovereignty, freedom and independence, as the other or older states.

These are the same principles first held forth by congress to induce the old states to make the cessions—these are the conditions of the deed of cession by Virginia. The 9th article of the confederacy expressly says, "No state shall be deprived of territory for the benefit of the United States." The present constitution of the United States expressly prohibits every state from making any treaty, confederation or alliance. It guarantees to each state, in the Union, a republican form of government confirming all contracts and agreements entered into under the articles of confederacy. What rights and powers do sovereign, free and independent republican governments exercise, and what rights are the natural consequence of sovereignty?

In Vattel's law of nations, the whole doctrine of government and sovereignty will be found: The first, second and third pages describes what is meant by a nation or state—defines the law of nations—specifies what laws nations are subject to and in what the law of nations originally consists.

7th page describes what is the end of the society of nations, and in what consists the liberty and independence of nations. Upon page nine, are the following principles: "Nations are equal, the reasons why they are equal; vested with equal rights, and the necessary consequence of this equality. Upon pages 15 and 16, will be found in what manner a nation or state is formed, and what is understood by sovereignty. Upon page 18, is decided the manner in which several sovereign and independent states, may form a Federal Republic, and still retain their sovereignty and independence. Upon page 189, it is expressly said, that a superior of the society or sovereign of the nation cannot dispose of the public property, as to its substance. Upon page 234, will be found these principles: Nature has established a perfect equality of rights between independent nations; their rights to freedom and sovereignty, renders them equal.

Upon page 257, will be found the following principles: How shall a nation govern itself at its pleasure in the country it inhabits if it cannot truly and absolutely dispose of it? and how should it have the full and absolute domain of the place in which it has no command? Another's sovereignty and the rights it comprehends, must take away its freedom of disposal. Add to this the eminent domain, which constitutes a part of its sovereignty, and you will the better perceive the intimate connexion there is between the domain and the empire of the Nation.—Upon page 299, this doctrine is established.

Since every treaty ought to be made with a sufficient power, a treaty pernicious to the state is null and not at all obligatory. No conductor of the nation having the power to enter into engagements to do such things as are capable of destroying the state, for the safety of which the empire is entrusted to him. Upon page 162 will be found the following principles: The country inhabited by one nation, whether it has transported itself thither, or whether the families of which it was composed, finding themselves spread over the country, had formed themselves into the body of a political society. This country, I say, is the settlement of the nation, and it has proper and exclusive right to it. These principles always have been and now are held as fundamental by all sovereign, independent states and nations.—The old states, ever since the existence of their sovereignty, have held these principles as the fundamental rules of

their conduct. The right to the exercise of them as a natural consequence of their sovereignty and inseparable from it.

Then the state of Indiana, as a free, sovereign, independent state, has a right to all these privileges, and to exercise all these powers, being equal in every respect to the old states; consequently, the jurisdiction and rights which the United States claim in the state of Indiana since the time she had a right to be admitted into the Union upon an equal footing with the original states; which jurisdiction and rights the United States do not claim and exercise in any of the old states, and which are not vested in the United States by the deed of cession, the articles of confederacy and the Constitution of the United States, are violations of the sovereignty, freedom and independence of the state of Indiana, depriving her of the natural rights of self protection and preservation, and the natural resources of her prosperity and happiness; Therefore,

Your committee recommend the adoption of the following joint resolution:

Resolved by the General Assembly of the State of Indiana, That the state being a sovereign, free and independent state, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, which right was reserved for her by the state of Virginia in the deed of cession of the Northwestern Territory to the United States, being confirmed and established by the articles of confederacy and the Constitution of the U. States.

That our Senators in Congress be instructed, and our representatives requested, to use every exertion in their power, by reason and argument, to induce the United States to acknowledge this vested right of the state and place her upon an equal footing with the original states, in every respect whatever, as well in fact as in name.

That his Excellency the Governor be requested to transmit a copy of this resolution to each of our senators and representatives in congress and to each of their excellencies, the Governors of each of the following states, to wit: Ohio, Illinois, Missouri, Mississippi, Louisiana and Alabama, requesting them to lay it before the legislature of their respective states for consideration, requesting them to adopt similar measures, if they should deem it expedient.

## Twentieth Congress:

### SECOND SESSION.

December 24. In the Senate, to-day, the resolution offered by Mr. Eaton for changing the mode of appointing the Standing Committees of the Senate, was agreed to, *nem. dis.* By the rule, as it is now altered, the Standing Committees will be appointed by the President *pro tempore* of the Senate; but when the Vice President is present and presiding, the Committees will be elected by ballot. Mr. SANFORD submitted a resolution for ascertaining from the Secretary of the Treasury the proportional value of gold and silver in relation to each other, and what alterations in the gold coins of the United States may be necessary to conform those coins to the silver coins in true relative value. Messrs. IREDELL & ELLIS were chosen members of the Committee on enrolled bills, on the part of the Senate. A few minutes were spent in the consideration of executive business.

The House of Representatives considered, for a short time, in Committee of the whole, the bill authorizing the occupation of the mouth of the Columbia River. Some modifications were made, and after a very brief discussion, the Committee rose and reported progress; the Committee seeing generally to be of the opinion that the House was now prepared to act upon the subject.

December 29. In the Senate to-day, Mr. BURNET, from Ohio, and Mr. RIDGE LY, from Delaware, attended. The bill for the compensation of Susan Decatur, and others, was read a third time and passed. Mr. SANFORD's resolution, requiring the Secretary of the Treasury to ascertain the proportional value of gold and silver in relation to each other, &c. was adopted. A short time was spent in the consideration of executive business.

Among the resolutions offered to-day in the House of Representatives, was one by Mr. RAMSAY, of Pennsylvania, on the subject of dividing the public lands among the States, and putting an end to the various offices connected with them, and also of distributing the surplus revenue among the several States; but the House, by a large majority, refused to consider the resolution. Several communications from the Departments of War and the Treasury were presented to the House, and ordered to be printed.—The House then resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the bill to authorize the occupation of the Oregon river, when the Committee was addressed by Mr. BATES of Missouri, and Mr. POLK of Tennessee, against the bill, and briefly by Mr. EVERETT, who supported the bill. Mr. MITCHELL of Tennessee then expressed a desire to address the Committee in op-

position to the bill, but as the hour of adjournment had arrived, the Committee, on his motion, rose and reported progress, and the House then adjourned.

## Indiana Legislature.

December 27. In the Senate, the bill providing for building wings to the Governor's house and converting it into a State house was, on Friday last, after an animated discussion, postponed indefinitely—yeas 11 nays 9. The bill to locate the Michigan road was in committee of the whole on Friday last, and several attempts were made to fix the point on the Ohio, all of which failed; the highest vote being for Madison, for which there were 10 to 11. It was finally determined to leave the selection to three commissioners, with instructions to select the most suitable point between the Falls of the Ohio, and the mouth of the Miami, both points inclusive. The bill giving additional representation to the northern counties is ordered to be engrossed for a third reading on Monday next. A vote was previously taken on postponing it indefinitely, which was determined in the negative. The President giving the casting vote and one Senator being absent, whose vote will determine the question.

The time of the House has been chiefly occupied since our last, with the debate upon the domain question. The argument was able and profound. We shall publish the substance of speeches, which have been and may be delivered on this topic, whenever our space admits. On Thursday the House, according to custom, adjourned early in the day, but little business having been transacted. Mr. Sweetser chairman of the Judiciary committee, reported on Friday a comprehensive bill for the reorganization of the Probate Court: the bill vests the power in a single Judge, and defines the duties of executors and administrators.—The canal bill is among the orders of the day for Monday, it is uncertain whether it will be reached on that day. No further progress has been made upon the bill to continue the Michigan Road.

December 31. In the Senate, the bill providing for additional representatives from the counties and territory therein named, which was ordered to be engrossed for a third reading, was read a third time on Monday last, and, after a considerable discussion, the question was taken on its passage, and determined in the negative—yeas 10, nays 11. A considerable portion of Tuesday was occupied in the consideration of the bill providing for the location of the Michigan road from Indianapolis to the Ohio river. A vote was taken on nearly all the points having pretensions, from the mouth of the Miami to the mouth of the Wabash, and it was finally agreed, by a vote of eleven to ten, to take it by way of Shelbyville and Greensburg to Madison.

The House occupied the forenoon of Monday, in discussion of the joint resolution appointing a Commissioner to Ohio. The one originating in the House which provides for an election by joint ballot prevailed, and was ordered to be engrossed for a third reading. On the same day the two houses elected a President Judge and five Prosecuting Attorneys, whose names will be found below. The House re-considered the vote heretofore taken on striking out the joint resolution relative to the public domain, and the same question again recurring was decided in the negative by a vote of 34 to 23: the friends of the resolution in order to preserve its integrity resisted all amendments. The House refused, on Thursday to take up the Michigan Road bill. This day the report heretofore made by the committee of Ways and Means against the expediency of adopting at present the *ad valorem* system of taxation, was taken up, and recommended to a select committee with instructions to bring in a bill upon the *ad valorem* principle of taxation, to take effect progressively. It elicited considerable debate; the point of expediency being chiefly canvassed. Neither the Canal nor School bill have been yet reached.

The following is the result of the election for President Judge of the fifth Judicial Circuit, and of the several Prosecuting Attorneys of this state, to-wit: For President Judge of the 5th Circuit: BETHUEL F. MORRIS, 70 Scattering 6 For Prosecuting Attorney of the first Circuit: JOHN LAW, 57 Scattering 10 Second Circuit: JOHN H. THOMPSON, 46 John Kingsbury 29 Scattering 3 Third Circuit: MARTIN M. RAY, 61 Scattering 17 Fourth Circuit: CHARLES I. BATTELL, 57 Scattering 21 Fifth Circuit: WILLIAM W. WICK, 42 James Whitcomb, 25 Hiram Brown, 10

Ind. Journal.

January, 1. In the Senate, on Tuesday last, the Michigan road bill being

under consideration, Mr. Morgan moved to amend the same, by inserting the following: "From the said town of Indianapolis, in and upon the state road, through the towns of Shelbyville and Greensburg, to the town of Madison, on the Ohio river;" which amendment was adopted.

Ayes—Messrs. Blair, Fletcher, Gregory, Linton, McKinney, Montgomery, Morgan, Rariden, Serling, Stevens and Watts—11

Noes—Messrs. Clark, Claypool, Daniel, Ewing, Givens, Graham, Lane, Maxwell, Midroy and Simonson—10

After some other amendments being made to the bill, it was ordered to be engrossed for a third reading—and on yesterday was read a third time and passed, and sent to the House of Representatives for concurrence.

A considerable portion of Monday and Tuesday was occupied, in the House of Representatives, on the subject of the right of the state of Indiana to the lands with her boundaries. Numerous amendments were adopted. It was ordered to be engrossed for a third reading, on Tuesday, by a vote of 34 to 23.

Ayes—Messrs. Bell, Blair, Boon, Child, Dufour, Elliott, Frisby, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, McIntire, M'Pheeters, Moyer, Pennington, Ritchey, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Wellborn, Williams and Young.

Noes—Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley, Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Hawk, Speaker.

On yesterday the joint resolution was read a third time and passed.

Ind. Gazette.

## MICHIGAN ROAD.

The following proceedings in the House of Representatives, on the 22d ult., may give the reader some idea of the strength of several points on the Ohio river, for the termination of the Michigan road. It will be observed that only one point in this county has been considered; most probably from a desire in our members that other points should be first tried, which, should they be rejected, as has been the case, would leave two points in this county to determine upon. When a point is once considered and rejected, it cannot be brought up again during the session, otherwise than by a reconsideration of the vote on its rejection.

On motion of Mr. Craig:

The House suspended the orders of the day, and took up the bill concerning the Michigan road.

Mr. DUNN moved to amend the first section, by striking out that part relative to the appointment of commissioners.

[Decided in the negative.]

Mr. CRAIG moved to fill the remaining blank in the first section with the words "Rising Sun, via Shelbyville, Greensburg and Napoleon"—rejected:

Ayes—Messrs. Bassett, Brown, Craig, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Kinnard, Levenworth, Lomax, Long, Matlock, Morris, Orr, Pollock, Slaughter, St. Clair, St. John, Steele, and Taylor—24.

Noes—Messrs. Allen, Bell, Blair, Boon, Child, Frisby, Goodhue, Hillis, Judah, Lemon, Liviston, Lynd, Marshall, McIntire, McPheeters, Moyer, Pabody, Palmer, Pennington, Read, Ritchie, Sample, Stewart, Sweetser, Trafton, Wallace, Wellborn, Williams, Work, Young, and Hawk, speaker—31.

Mr. HILLIS moved to fill it with "Madison, via Columbus & Vernon"—rejected:

Ayes—Messrs. Boon, Brown, Crume, Deming, Elliott, Finley, Frisby, Hillis, Kinnard, Lomax, Long, Matlock, Morris, Orr, Pabody, Palmer, Sample, Slaughter, St. John, Steele, Sweetser, Wallace, Work, and Young—24.

Noes—Messrs. Allen, Bassett, Bell, Blair, Child, Craig, Dufour, Dumont, Dunn, Goodhue, Hendricks, Judah, Lemon, Levenworth, Leviston, Lynd, Marshall, McIntire, McPheeters, Moyer, Pennington, Pollock, Read, Ritchie, St. Clair, Stewart, Taylor, Trafton, Wellborn, Williams, Work, and Hawk, speaker—32.

Mr. DUMONT moved to insert "Vevay, along the route of the present state road"—rejected:

Ayes—Messrs. Bassett, Brown, Craig, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Frisby, Hendricks, Kinnard, Levenworth, Lomax, Long, Morris, Orr, Pollock, Sample, Slaughter, St. Clair, St. John, Steele, Taylor, Wallace, Work, and Young—27.

Noes—Messrs. Allen, Bell, Blair, Boon, Child, Crume, Goodhue, Hillis, Judah, Lemon, Leviston, Lynd, Matlock, Marshall, McIntire, McPheeters, Moyer, Pabody, Palmer, Pennington, Ritchie, Stewart, Sweetser, Trafton, Wellborn, Williams, Work, and Hawk, speaker—28.

Mr. PENNINGTON moved to insert "Mauksport, via Franklin, Columbus, Salem and Corydon"—rejected:

Ayes—Messrs. Bell, Child, Craig, Deming, Frisby, Kinnard, Levenworth, Marshall, McIntire, McPheeters, Morris, Moyer, Orr, Palmer, Pennington, Pollock, Read, Ritchie, Slaughter, Sweetser, Trafton, Wallace, Work, Young and Hawk, spkr.—25.

Noes—Messrs. Allen, Bassett, Blair, Boon, Brown, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Lemon, Leviston, Lomax, Long, Lynd, Matlock, Pabody, Sample, St. Clair, St. John, Steele, Stewart, Taylor, Wellborn, Williams and Work—31.

Mr. Sweetser moved to insert the words "Jeffersonville, via Columbus"—rejected:

Ayes—Messrs. Allen, Boon, Brown, Child, Deming, Frisby, Goodhue, Hillis, Kinnard, Lemon, Lynd, Marshall, McIntire, McPheeters, Morris, Orr, Pennington, Read, Slaughter, Sweetser, Trafton, Wallace, Work, Worth, Young and Hawk, spkr.—26.

Noes—Messrs. Bassett, Bell, Blair, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Judah, Levenworth, Leviston, Lomax, Long, Matlock, Moyer, Pabody, Palmer, Pollock, Ritchie, Sample, St. Clair, St. John, Steele, Stewart, Taylor, Wellborn and Williams—30.

Mr. PENNINGTON moved to insert the words "Leavenworth, via Bloomington, &c."—rejected:

Ayes—Messrs. Allen, Bassett, Bell, Blair, Craig, Dufour, Frisby, Judah, Levenworth, Long, Lynd, Matlock, Moyer, Orr, Pennington, Read, Ritchie, Slaughter, Trafton, Wallace, Wellborn, Williams, Work and Young—24.

Noes—Messrs. Boon, Brown, Child, Crume, Deming, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Kinnard, Lemon, Leviston, Lomax, Marshall, McIntire, McPheeters, Morris, Pabody, Palmer, Pollock, Sample, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Work and Hawk, spkr.—32.

Mr. CHILD moved to fill the blank with the words "Falls of the Ohio, via Columbus and Brownstown"—rejected:

Ayes—Messrs. Allen, Boon, Brown, Child, Frisby, Hillis, Kinnard, Lemon, Marshall, McIntire, McPheeters, Morris, Orr, Pennington, Read, Ritchie, Slaughter, Stewart, Sweetser, Trafton, Wallace, Work, Worth, Young & Hawk, spkr.—25.

Noes—Messrs. Bassett, Bell, Blair, Craig, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Kinnard, Lemon, Leviston, Lomax, Marshall, McIntire, McPheeters, Morris, Pabody, Palmer, Pollock, Sample, St. Clair, St. John, Steele, Taylor, Wellborn and Williams—34.

Mr. STEWART moved to insert the words "New Albany, via Columbus, Salem and Greenville"—rejected:

Ayes—Messrs. Allen, Boon, Brown, Child, Deming, Frisby, Kinnard, Lemon, Marshall, McIntire, McPheeters, Morris, Orr, Pabody, Palmer, Pennington, Read, Ritchie, Slaughter, Stewart, Sweetser, Trafton, Wallace, Wellborn, Work, Worth, and Hawk, spkr.—27.

Noes—Messrs. Bassett, Blair, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Moyer, Pollock, Sample, St. Clair, St. John, Steele, Taylor, Williams and Young—28.

Mr. PENNINGTON moved to lay the bill on the table—lost.

Mr. DUMONT moved to fill the blank with the words "whence to Vevay, in Switzerland county"—lost.

Mr. POLLOCK moved to insert the words "to Madison, via Shelbyville, Greensburg and Napoleon"—adopted:

Ayes—Messrs. Allen, Bassett, Boon, Brown, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Kinnard, Lomax, Long, Morris, Orr, Pollock, Reed, Sample, St. Clair, St. John, Steele, Taylor, Trafton, Wallace, Work and Young—28.

Noes—Messrs. Bell, Blair, Child, Deming, Frisby, Goodhue, Hillis, Judah, Lemon, Levenworth, Leviston, Lynd, Matlock, Marshall, McIntire, McPheeters, Moyer, Pabody, Palmer, Pennington, Ritchie, Stewart, Sweetser, Wellborn, Williams, Work and Hawk, spkr.—27.

On motion of Mr. Lemon, the bill was laid on the table.

[The consideration of the bill was resumed on the 23d, and the vote on Mr. Pollock's motion reconsidered. The House refused to concur in the previous vote, and the motion was therefore lost. The bill and amendments were then laid on the table, and at our latest dates had not been taken up.]

## U. S. Senator from Kentucky.

On the 23 inst. the Kentucky legislature went into an election for Senator in Congress, in place of Col. R. M. Johnson. GEORGE M. BRUB (Jacksonian) was chosen for six years from the 4th of March next, having received 84 votes, and Dr. Burr Harrison 50 votes—majority for Bibb 34.

James Davidson was elected State Treasurer by a majority of four votes over Robert Johnston.

Kendall & Meriwether were elected State Printers, having 75 votes, and Jacob H. Holeman 60.—Nat. Repub.